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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,743

05/10/2006

Helmut Schmidt

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

EXAMINER

BOCHNA, DAVID

ART UNIT

PAPER NUMBER

3679

MAIL DATE

DELIVERY MODE

04/01/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/578,743	Applicant(s) SCHMIDT, HELMUT	
	Examiner David E. Bochna	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The phrase "This invention relates to" should be removed from the abstract.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).

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- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what is meant by the phrase "according to DIN 58352". What is DIN 58352 and/or what part of DIN 58352 is the claim referring.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Breese.

In regard to claim 1, Breese '243 discloses a connector 12 ("for connecting a dialysate port of a hemodialysis machine having a dialysate- carrying line with a lumen passing through the connector" is an intended use limitation that carries little patentable weight in an apparatus claim. If the applied prior is capable of fulfilling the intended use then it is deemed to anticipate the claim. In this case the connector 12 of Breese is capable of fulfilling the intended use.), a

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first end 12 of the connector surrounding the lumen 42, suitable for accommodating the dialysate port in the lumen 42, a second end 18 of the connector 12 surrounding the lumen and suitable for being connected to the dialysate-carrying line, characterized in that a recess 34 with a shift element 32 accommodated in the recess is provided on the first end 12, whereby the shift element 32 is displaceable between a first position and a second position perpendicular to the direction of the lumen 42 in the first end 12, whereby in the first position the shift element does not penetrate through the lumen 42 of the first end 12, and in the second position (fig. 2) it narrows the lumen 42 of the first end 12 so that the connector with the shift element 32 is placed on the dialysate port 10 in the first position and in the second position it can be locked on the dialysate port by means of an undercut 26 thereon.

In regard to claim 2, characterized in that the connector 12 consists not only of the shift element 32 but also a base body, which is composed of two interconnected essentially cylindrical sleeves (12, 18) whereby the first sleeve 12 is the first end and the second sleeve 18 is the second end.

In regard to Claim 3, characterized in that the outside diameter of the first sleeve 12 is greater than the outside diameter of the second sleeve 18.

In regard to Claim 4, characterized in that the first sleeve 12 is suitable for accommodating a port according to DIN 58352.

In regard to Claim 5, characterized in that the lumen 42 in the first sleeve 12 has a larger diameter than the lumen (threaded interior) in the second sleeve 12.

In regard to Claim 6, characterized in that the connector is provided with a stop (the flange adjacent to 46 in fig. 5 at the end of bore 42) (“for the dialysis machine port” is intended use language) in the connecting area 42 of the two sleeves.

In regard to Claim 7, characterized in that a sealing element 50 for sealing the connector with respect to the dialysis machine port is provided on the inside wall of the first sleeve 12 near the stop (flange extending at the end of 42).

In regard to Claim 8, characterized in that a constriction area (reduced area between bore 42 and the threaded section in 18) in the lumen is provided between the first end 12 and the second end 18.

In regard to Claim 9, characterized in that the recess consists of two opposite recesses 34.

In regard to Claim 10, characterized in that the shift element 32 has a first opening (space between 32 and 36) which does not constrict the lumen 42 in the first end 12 in the first position and has a second opening (space between arms 38) which is connected to the first opening in the direction of shifting and which constricts the lumen 42 in the first end 12 in the direction of the recesses 34 in the second position.

In regard to Claim 11, characterized in that the first opening (spaces between 32, 36) has a round shape and the second opening (spaces between 38) has an elongated shape so that the overall shape is that of a keyhole.

In regard to Claim 12, characterized in that the first opening (spaces between 32, 36) has catch projections (flats at the bottom end of sections 32 and 36), which can engage with complementary recesses 34 on the first end 12 of the connector for the purpose of engaging the shift element 32 in the first position.

In regard to Claim 13, characterized in that the complementary recesses 34 are additionally provided symmetrically on the first end 12 of the connector on the opposite side of the lumen in the direction of shifting (see fig. 2 where the cross hatched surfaces 30 are identical above and below 10).

In regard to Claim 14, characterized in that the second opening (space between arms 38) is provided with an expanded opening area (spaces between 32, 36) perpendicular to the direction of shifting (“for accommodating the dialysis machine port for engagement of the shift element in the second position” is intended use language).

In regard to Claim 15, characterized in that the elongated border of the second opening (space between arms 38) has a wall thickness that tapers with a slope (the rounded surface has a slope) toward the opening 34 and has a form-fitting engagement with a corresponding slope (slope of concave surface 26) on the undercut 26 of the dialysis machine port 20.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cronley, Cambot-Courrau, Tessmann et al., Strickland et al., Lewis, Le Mer et al., Gmeiner et al., Bimba, Chapman and Coe all disclose similar couplings common in the art.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David E. Bochna/
Primary Examiner, Art Unit 3679